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## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456 Master File No. 1:01-CV-12257-PBS Sub-Category Case No. 1:08-CV-11200

THIS DOCUMENT RELATES TO:

United States ex rel. Linnette Sun and Greg Hamilton, Relators

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Baxter Hemoglobin Therapeutics; Baxter International Inc.; Baxter Healthcare Corporation

Judge Patti B. Saris

## REQUEST FOR DISMISSAL AND (PROPOSED) ORDER THEREON

Relators hereby request that this Court dismiss without prejudice Defendant Baxter

International, Inc.; and Defendant Baxter Hemoglobin Therapeutics from each cause of action in which they have been named.

Respectfully submitted,

Dated: August 30, 2010

/s/ Mark Allen Kleiman

Mark Allen Kleiman 2907 Stanford Avenue Venice, CA 90292 Telephone (310) 306-8094 Facsimile (310 306-8491

/s/ Lauren John Udden

Lauren John Udden 15 W. Carrillo Street, Suite 101B Santa Barbara, CA 93101

Counsel for Relators

9/29/3010

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GOOD CAUSE APPEARING THEREFORE Defendant Baxter International, Inc.; and Defendant Baxter Hemoglobin Therapeutics are hereby dismissed without prejudice.

Dated: a > 4

Hon. Patti B. Saris United States District Judge

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